

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, et. al.,

Plaintiffs,

v.

JAMES M. PETERS, et. al.,

Defendant.

No. 3:11-cv-05424-BHS

PLAINTIFFS' FIRST SET OF
INTERROGATORIES TO
DEFENDANT SHARON KRAUSE
AND ANSWERS THERETO

Plaintiffs, by their undersigned attorneys, request that Defendant Sharon Krause answer the following Interrogatories within 30 days after service hereof.

INSTRUCTIONS AND DEFINITIONS

1. Respond to each interrogatory separately and completely.
2. For each interrogatory response, identify each person who answers and/or assists in answering, and state each such person=s relationship, if any, with defendant.
3. For any interrogatory as to which an objection or claim of privilege is asserted, fully state the grounds for such objection or claim of privilege, so as to permit the adjudication of the propriety of the objection or claim of privilege. In addition, with respect to any document identified as responsive to any of these interrogatories and as to which an objection or claim of privilege is made:

- a. State the date of the document;

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT SHARON KRAUSE
(3:11-cv-05424-BHS) — 1
DWT 20424296v1 0094078-000001

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045
206 622 3150 main 206 757 7700 fax

1 My involvement would have been making the results of my investigation, including
2 reports, witness interviews, victim interviews, and suspect interviews available to the
3 Prosecutor's Office, specifically Prosecutor Arthur Curtis and Deputy Prosecutor Jim Peters, or
4 both. They prepared and filed a motion and affidavit for an arrest warrant. Ultimately, the
5 Judge who signed the arrest warrant determined that there was probable cause to arrest.

6 The evidence supporting probable cause is detailed in the above-referenced reports,
7 interviews, motion and affidavit, all of which are in plaintiffs' possession and can be reviewed
8 for responsive information pursuant to FRCP 33(d).

9 INTERROGATORY NO. 16: List the witness interviews that you have knowledge of
10 that were conducted between August 30, 1985 and May 16, 1985, inclusive, relating to the
11 investigation of Ray Spencer as a perpetrator of sexual abuse. Please identify those witness
12 interviews by date and who was present.

13 ANSWER: Pursuant to FRCP 33(d), see the police reports and records from the Clark
14 County Sheriff's Office investigation, the Vancouver Police Department's internal
15 investigation, and the Sacramento Police Department's investigation. I know of no interviews
16 which are not documented in those records.

17 INTERROGATORY NO. 17: Were you present for any videotaped/audiotaped
18 interviews of Matthew Ray Spencer, Kathryn Spencer (now Kathryn Tetz) and Matt Hansen
19 relating to the investigation of Ray Spencer? If yes, please identify by providing the name(s) of
20 the child interviewed, the name of the interviewer and the names of other persons present.

21 ANSWER: The only time was when Jim Peters did a videotaped interview with
22 Kathryn Spencer (now Kathryn Tetz). I was present briefly at the beginning, and then I left.
23 Deanne Spencer was also present, as was a video camera operator, who I believe was a male.

24 INTERROGATORY NO. 18: Do you agree with the Washington Supreme Court that
25 Michael Davidson's personal relationship with Shirley Spencer began during the investigation
26 of Ray Spencer? Please describe what you know about that personal relationship.

27
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT SHARON KRAUSE
(3:11-cv-05424-BHS) — 13
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1 ANSWER: Objection, compound – this interrogatory consists of at least two discrete
2 subparts, bringing the total number of interrogatories asked at this point to at least 23.
3 Objection is also based upon the grounds that this interrogatory is argumentative and
4 misleading.

5 Without waiving said objections, I do not agree that Michael Davidson's personal
6 relationship with Shirley Spencer began during the investigation. Although I do not recall the
7 exact date that Michael Davidson made me aware that he and Shirley had a relationship other
8 than professional, I do recall that it was a considerable length of time after my interview with
9 Shirley's son Matthew Hanson. I do not believe for one minute that it was during the
10 investigation of Clyde Ray Spencer.

11 During the initial part of the investigation until a time when Matthew Hansen reported
12 that he had been sexually abused by Clyde Ray Spencer, Shirley Spencer was always very, very
13 supportive and protective of her then husband. She appeared to be very upset about what was
14 occurring, specifically in regards to her husband. It was apparent that she refused to even
15 consider the possibility that Ray Spencer could have done the things his daughter Kathryn was
16 reporting. Her main focus of concern was Kathryn's safety and her husband's well-being.
17 Also, Michael Davidson was my immediate supervisor. Because of the sensitivity of this
18 investigation, my contact with Michael Davidson was probably on a daily basis. There were a
19 number of times during the investigation when I had the opportunity to observe the interaction
20 between Shirley Spencer and Michael Davidson. At no time did I ever observe any interaction
21 between the two of them that would have given me cause to be concerned that there was
22 anything other than a professional relationship between them.

23 At the time Michael Davidson told me he and Shirley Spencer were seeing each other, I
24 was not the only person at the Sheriff's Office who became aware of it. Based on what others
25 in the department were saying to me and conversation I heard, it appeared to be fairly common
26 knowledge. I have absolutely no doubt in my mind, if this information would have surfaced or

1 even been suspected during the investigation, the Sheriff's Administration would have dealt
2 with it immediately and Michael Davidson would not have been allowed to supervise or
3 participate in the investigation in any capacity.

4 Several years prior to this investigation, I was assigned a case involving an alleged adult
5 rape/kidnap victim. After the Vancouver Police and Clark County Sheriff's Office had spent
6 hundreds of man hours investigating her claims, it was learned that this women had fabricated
7 everything. At one point during the investigation, I became aware that a Clark County Deputy
8 was having an intimate relation with the alleged victim. This deputy and his wife were also
9 very close personal friends of me and my husband. We camped together with our families,
10 went boating, fishing and were spending a considerable amount of time together. At one point
11 he told me my husband "was the best friend he had ever had." When I learned about his
12 relationship with the alleged victim, I immediately reported it to the Sheriff's Office
13 Administration, I believe it was to the Sheriff directly. I was extremely upset and angry when I
14 learned what was happening. Later that same day I confronted the deputy, let him know what I
15 had learned and made him aware that I had reported it to my superiors. I also told him, "I have
16 no intention of losing my job or my reputation over your stupidity." I was aware that he was
17 reprimanded or disciplined in some way by the Administration; however, I am not aware of the
18 nature of the discipline. Except for times when it became necessary to talk because we all
19 worked for the same department, neither my husband nor I had any contact with him or his wife
20 away from work for many years.

21 There is absolutely no doubt in my mind that if at any time during the Spencer
22 investigation I became concerned or aware that the relationship between Michael Davidson and
23 Shirley Spencer was anything other than professional, I would have responded in the same way
24 I did in the past, and would have immediately reported it to the Sheriff. I took my
25 responsibilities as a law enforcement officer very, very seriously and understood I had a legal
26
27

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT SHARON KRAUSE

(3:11-cv-05424-BHS) — 15
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1 responsibility. In addition, I also felt I had a real moral responsibility to do what was right for
2 everyone concerned, including those who were being accused.

3 It is hard for me to fathom how anyone could believe that I would have jeopardized my
4 career, my reputation, or could have been so underhanded and deceitful that I would be a party
5 to a conspiracy that would cause an innocent man to go to prison for 25 years so that two
6 people could have an intimate relationship. That just did not happen.

7 INTERROGATORY NO. 19: Describe each and every conversation, meeting, or other
8 contact, with Michael Davidson that you had regarding the investigation and allegations against
9 Ray Spencer, prior to May 16, 1985. Please identify time and date of contact, the content of the
10 conversation and identify each and every person present. Please describe specific tasks
11 assigned to you by Michael Davidson in regard to the Ray Spencer investigation.

12 ANSWER: Objection, compound – this interrogatory consists of at least two discrete
13 subparts, bringing the total number of interrogatories asked at this point to at least 25.

14 See answer to Interrogatory No. 13.

15 INTERROGATORY NO. 20: When did you learn that a medical examination of
16 Kathryn Spencer (now Tetz) had been performed on August 30, 1984? Do you have any
17 knowledge that the report of the medical examination of Kathryn Spencer (now Tetz) that was
18 performed on August 30, 1984 was provided to the Clark County Prosecutor's Office prior to
19 May 16, 1995? If so, please explain. Do you know why the official index of the Clark County
20 Sheriff's Office listing the documents collected during the investigation of Ray Spencer dated
21 November 8, 1985 does not list the report of Kathryn Spencer's medical examination? Please
22 explain.

23 ANSWER: Defendant Krause objects to responding to this and the remaining
24 interrogatories and discrete subparts because plaintiff has not sought or obtained leave of Court
25 as required by FRCP 33(a)(1) to serve additional interrogatories beyond the twenty-five,
26 including discrete subparts, permitted by FRCP 33(a)(1).

27 PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT SHARON KRAUSE
(3:11-cv-05424-BHS) — 16
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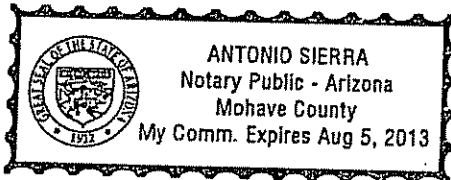
VERIFICATION

STATE OF ARIZONA)
COUNTY OF MOHAVE) ss.

Sharon Krause, being first duly sworn, on oath deposes and says that she is a defendant herein and that she has read the within and foregoing Answers to Plaintiffs' First Interrogatories to Sharon Krause, knows the contents thereof, and believes the same to be true.

Sharon Krause
Typed Name: Sharon Krause

SUBSCRIBED AND SWORN to before me this 29th day of October 2012.



Antonio Sierra
NOTARY PUBLIC in and for the State of
Arizona, residing at Bullhead City
My appointment expires August 5, 2013
Print Name Antonio Sierra

CERTIFICATION

The undersigned attorney for defendant Sharon Krause has read the foregoing answers and objections to interrogatories and they are in compliance with FRCP 26(g).

ANSWERS AND OBJECTIONS dated this 26th day of October, 2012.

Dan Dugan WSB#14777

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT SHARON KRAUSE

(3:11-cv-05424-BHS) — 19
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EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW)
RAY SPENCER, and KATHRYN E.)
TETZ,)
)
Plaintiffs,)
)
vs.) NO. 3:11-cb-05424-BHS
)
FORMER PROSECUTING ATTORNEY)
FOR CLARK COUNTY JAMES M.)
PETERS, DETECTIVE SHARON)
KRAUSE, SERGEANT MICHAEL)
DAVIDSON, CLARK COUNTY)
PROSECUTOR'S OFFICE, CLARK)
COUNTY SHERIFF'S OFFICE, THE)
COUNTY OF CLARK and JOHN DOES)
ONE THROUGH TEN,)
)
Defendants.)

DEPOSITION UPON ORAL EXAMINATION OF JAMES MICHAEL DAVIDSON

Monday, November 5, 2012
Olympia, Washington

1 office?

2 A I assume that those are contained within the file that was
3 provided to me from him.

4 Q Right. And you have reviewed those documents?

5 A To the best of my ability, yes, ma'am.

6 Q Now, in that first meeting, just for purposes of my
7 question, assume it occurred on September 21, 1984. What
8 was the purpose of the Spencers' trip or visit to your
9 office? What was your understanding of why they were
10 coming to your office?

11 A It was in response to the -- to the report that
12 Mrs. Spencer had initiated.

13 Q When you say Mrs. Spencer had initiated a report, what's
14 the basis of that conclusion that she initiated it?

15 A My recollection is, is that we received a report from one
16 of our patrol deputies in which she had initiated a call to
17 our office regarding improper sex -- or improper conduct
18 with a minor child.

19 Q And you believed that Shirley Spencer called in and
20 reported that alleged improper conduct to your office?

21 A Yes, ma'am.

22 Q Did you assign anyone to the case when that call that
23 you're describing was made?

24 A First of all, again, let me restate that it was not based
25 upon the call. It was based upon the report that was

1 forwarded to my office from the deputy that responded to
2 that call.

3 Q And what was the deputy's name who responded to that call?

4 A I don't know that that's even contained in this file, but I
5 don't recall the deputy's name.

6 Q Okay. So a written report came in and you reviewed the
7 report?

8 A Correct.

9 Q And the patrol deputy had interviewed Shirley Spencer?

10 A I believe that's correct, yes, ma'am.

11 Q And what was your understanding at that point in time --
12 and that was in the summer of 1984. What was your
13 understanding of the allegations or report that Shirley
14 Spencer was making?

15 A There was some indication that there was some improper
16 touching of a minor child.

17 Q By whom -- who had been doing the improper touching in the
18 report that you looked at?

19 A Mr. Spencer.

20 Q Did the child allege that anyone else had been engaged in
21 improper touching?

22 A At that particular point in time, I don't recall anybody
23 else being indicated.

24 Q So the first time you're notified about the case or become
25 aware of it is through your patrol deputy's report, and

1 that report describes Shirley Spencer calling into your
2 office about improper touching of a minor child by Ray
3 Spencer; is that correct?

4 A That's -- yes, ma'am.

5 Q So when you received that information, do you assign a
6 detective to the case?

7 A I did, yes.

8 Q Okay. And who do you assign?

9 A Well, in this -- are we talking this particular instance or
10 any instance?

11 Q No, we're just talking about the call that came in from
12 Shirley Spencer. Did you make the assignment -- the
13 allegations against Ray Spencer, did you make an assignment
14 of that case to any detective --

15 A Yes, I did.

16 Q -- that you were supervising?

17 And was that Detective Sharon Krause?

18 A It was, yes.

19 Q Why did you assign Sharon Krause as the detective to handle
20 the claims about Ray Spencer?

21 A I can't state at that point that I had a specific reason.

22 I oftentimes reviewed caseloads, reviewed the nature of the
23 allegation, and would assign an investigator because of
24 their particular expertise.

25 Q And did Sharon Krause have -- in 1984 did she have any

1 particular expertise?

2 A She did.

3 Q And what was her expertise?

4 A Child abuse investigations.

5 Q Had you assigned, up to that point in time, other child
6 abuse cases to her?

7 A I had, yes.

8 Q Okay. And do you know approximately how many cases you'd
9 assigned to her up, until 1984, of alleged sexual abuse of
10 a child?

11 A No, ma'am, I could not tell you.

12 Q More than 50?

13 A Again, I wouldn't even -- I'd hesitate to speculate.

14 Q Okay. Well, you might hesitate to speculate, but we have
15 no idea the number of these types of cases that your
16 department was handling in 1984, so if you could just give
17 me an approximation. I mean, did you have more than 100
18 cases a year in Clark County at that time?

19 A I'm certain that we did, yes, ma'am.

20 Q Okay. Did you have more than 200?

21 A Again, speculative only, I'm certain that we did.

22 Q So what -- do you direct Sharon Krause as to what you want
23 her to do in the initial investigation of the Ray Spencer
24 case?

25 A First of all, I'm not certain that I understand what you're

1 asking in terms of my directing her to do anything. I

2 assigned her an investigation for her to follow up.

3 Q Okay. But you'll have to explain -- you've said that you
4 were supervising her, and I'm asking you, did you give her
5 any specific assignment? You might have told her
6 everything she had to do. You might have told her nothing
7 to do. I have no idea how the department was structured at
8 that time. When you make an assignment, did you meet with
9 the detective? Did you meet with her about the case
10 face-to-face?

11 A I'm certain that I -- I met with her at the time of the
12 assignment, correct.

13 Q Did you tell her "I want you to go to the house and
14 interview the child and interview Shirley Spencer"?

15 A I do not recall doing that, and I don't believe that I
16 would have had to do that. Detective Krause was a very
17 intelligent investigator, had had a tremendous amount of
18 experience in investigating these cases, and I don't
19 need -- I wouldn't need to tell her a specific direction at
20 that point.

21 Q Is it your understanding that she -- and this is in the
22 summer of 1984 when this is reported to your department.
23 Is it your understanding that she goes to the Spencer home
24 and does an interview at that point in the summer of 1984?

25 A I don't recall whether she went to the house and did an

1 Q What was the date of when you moved into her house?

2 A I can't be specific with that, but it would have been
3 probably fall of 1985.

4 Q I'm assuming when you move into her house, that's not when
5 the relationship transforms from Mrs. Spencer as a
6 professional -- or as a witness into a personal
7 relationship, right? You've already got the relationship
8 by the time you move into the house in the fall of 1985?

9 A We're talking personal relationship now; is that correct?

10 Q Correct.

11 A My first recollection is, is that we had a social encounter
12 sometime the end of June, the first part of July, which
13 involved having a drink at a restaurant called Waddles in
14 Portland.

15 Q And that was you say, in June or July of 1985?

16 A Correct.

17 Q Okay. And how did that social encounter get set up? Who
18 contacted who?

19 A My recollection is that she came into the office and
20 specifically to see Detective Krause to thank her for all
21 of her efforts and hard work. If memory serves me correct,
22 Detective Krause was not in the office at that time so she
23 stopped by my office. I was in the office.

24 Q What did she say?

25 A I can't recall the specific conversation, but during the

1 course of that conversation, whether I said it or she said
2 it, we made an arrangement at some point in time in the
3 future to have a drink.

4 Q Was that the first time that you went out in public with
5 Mrs. Spencer?

6 A That is the first time that I ever saw Mrs. Spencer on a
7 social basis.

8 Q Now, when that conversation occurred in your office, did
9 you think about the fact that if Mr. Spencer withdrew his
10 guilty plea, that Mrs. Spencer could end up as a witness at
11 his trial?

12 A I'm not certain that I can even answer that question. I
13 don't believe I had any conscious thought of that. At the
14 point that we made that contact, I assumed that the case
15 was in its final disposition.

16 Q You didn't expect to be sitting here today, right, 25, 28
17 years later?

18 A No, ma'am.

19 Q So what made you think that Mrs. Spencer would be willing
20 to go out in public with you and have a drink? Her husband
21 had just been sent to prison, correct?

22 A Within a month, month and a half, correct.

23 Q What made you think that Mrs. Spencer would find that
24 request appropriate or that she would be willing to do
25 that?

1 Q Well, you've had an opportunity to look at this material.

2 You have no sense of why he was arrested the first time,
3 what the evidence was?

4 A I have the information that's provided in the report, which
5 would indicate that the allegations were made by his
6 daughter, Kathryn Spencer.

7 Q Was there any other evidence that you're aware of, from
8 reviewing the materials you've been provided, to what was
9 the basis for the probable cause to arrest him the first
10 time?

11 A I believe there's an indication that he'd taken a polygraph
12 examination. I don't know that that factored into the
13 decision-making process. Again, I can't answer what all of
14 the factors were considered in making the determination --

15 Q Okay. Well, let's look at --

16 A -- to arrest him.

17 Q Oh, I'm sorry. Let's look at Plaintiff's Exhibit 5 in the
18 materials that I sent you.

19 A Okay. We're referring to the report by Stanley Abrams,
20 Ph.D.?

21 Q Yes. Is it your understanding that Dr. Abrams gave two
22 polygraph tests to Ray Spencer?

23 A That's my understanding, yes, ma'am.

24 Q And the first test, Dr. Abrams concluded, was inconclusive;
25 is that right?

1 A That's what's reflected in the report, yes.

2 Q Well, you don't have anything other than his report, right?

3 You don't have any information for us about the polygraph
4 other than what's in the report?

5 A That's correct.

6 Q Okay. Now, the second test, he finds that there's
7 deception, correct?

8 A That's what's indicated again in the report, yes.

9 Q Right. But Spencer's scores were not very high, so the
10 examiner does not feel as certain about the validity of
11 these findings as in most examinations? You are aware of
12 that conclusion by Dr. Abrams?

13 A That's again what he has prepared -- in his prepared report
14 that's what it indicates, correct.

15 Q So you would agree with me that polygraph exam -- I mean,
16 we all know it's not admissible, but did not factor into
17 any probable cause analysis for Ray Spencer's first arrest?

18 A Again, I'm going to respond that I can't -- I don't know
19 what all of the factors were that were involved with the
20 probable cause to arrest Mr. Spencer. I wasn't involved in
21 that decision-making process.

22 Q Do you know -- okay. Do you know other than -- are you
23 aware, as you sit here today, of any other evidence that
24 would have established probable cause for the arrest of Ray
25 Spencer the first time?

STANLEY ABRAMS, PH.D.
Clinical Psychologist

GOOD SAMARITAN MEDICAL BUILDING
2222 N.W. LOVEJOY • SUITE 401
PORTLAND, OREGON 97210
(503) 221-0632

October 11, 1984

Sgt. Michael Davidson
Clark County Sheriff's Office
Vancouver, WA

Re: Raymond Spencer

Dear Sgt. Davidson:

A polygraph examination was administered to the above named subject at your request on September 21. An attempt was made to determine if he were truthful in his denial of ever having any sexual contact with his daughter Katherine. To ascertain this, the following critical questions were asked:

1. Have you ever fondled your daughter's genitals? No
2. Regarding your daughter, have you ever had any oral sexual contact with her? No
3. Have you ever attempted to penetrate your daughter? No

The test was composed of eleven questions and was repeated five times. Despite the additional administrations of the test, the findings had to be considered inconclusive. Numerically, there was a slight trend in the direction of deception, but again, a definite decision could not be reached. Because of this Officer Spencer was reexamined on September 24. This time the critical questions consisted of:

1. Have you at any time had oral sex with Katherine? No
2. Regarding Katherine, have you ever had oral sex with her? No
3. In so far as oral sexual contact is concerned, has there ever been any with your daughter? No

This test was made up of ten questions and was administered three times. The subject demonstrated consistently greater physiologic responses on the three critical questions listed above as compared to the control items. While this was sufficient to be indicative of deception, Officer Spencer's scores were not very high so that the examiner does not feel as certain about the validity of these findings as in most examinations. Hopefully, further corroboration of these results will be obtained.

Cordially,


Stanley Abrams, Ph.D.

SA/cj



Spencer000055

CORRECTION SHEET

DEPOSITION OF: James Michael Davidson

DATE: 11/5/2012

CASE: Clyde Ray Spencer, et al. v. Former Prosecuting Attorney for Clark County

James M. Peters, et al.

REPORTER: Dixie Cattell, CCR, RPR

Instructions: Please carefully read your deposition and on this correction sheet make any changes or corrections in form or substance that you feel should be made. You may add additional sheets, if necessary. After completing this form, please sign your name in this space provided. Please do not mark the transcript. Thank you.

PAGE NO./LINE NO.	CORRECTION	REASON FOR CORRECTION
Page 6, line 16	I lack approximately 30 hours for my BS degree	Part of initial response not included or not understood
Page 9, line 10	Patrol or Detective	Initial response incomplete or not understood.
Page 29, line 25	Replace "she' with "it".	She is incorrect as it refers "personally" rather than citing the report.
Page 36, line 22	"Convicted"	Initial response inaccurate or not misunderstood.
Page 42, line 17	July 1986	Correct "1985
Page 47, line 15-16	Unknown	Question and answer appear incomplete.
Page 48, line 19	Error in sentence structure.	Strike, "that were"
Page 58, line 21	Incomplete answer.	"Detective Krause"
Page 64, lines 11-19-24	Creek	Omitted
Page 65, lines 3-7	Creek	Omitted
Page 67, line 13	Creek	Omitted

I, the undersigned, James Michael Davidson, do hereby certify that I have read the foregoing deposition, and that, to the best of my knowledge, said deposition is true and accurate (with the exception of the corrections listed above).

12-10-12
DATE


DEPONENT'S SIGNATURE

EXHIBIT C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY)
SPENCER and KATHRYN E. TETZ,)
)
Plaintiffs,)
)
vs.) No. 11-cv-05424-BHS
)
FORMER DEPUTY PROSECUTING)
ATTORNEY FOR CLARK COUNTY JAMES)
M. PETERS, DETECTIVE SHARON)
KRAUSE and SERGEANT MICHAEL)
DAVIDSON,)
)
Defendants.)

VIDEOCONFERENCE DEPOSITION UPON ORAL EXAMINATION
OF
SHIRLEY JEAN SPENCER

DATE TAKEN: December 6, 2012
TIME: 9:00 a.m.
PLACE: 613 W. 11th Street
Vancouver, Washington

COURT REPORTER: Teresa L. Rider, CRR, RPR, CCR

Rider & Associates, Inc.

360.693.4111

1 that.

2 MR. DUNN: We have copies of these in our
3 files.

4 MR. BOGDANOVICH: In the meantime, I brought a
5 set that we can probably try to work from so that we
6 don't have to wait. Let's get the fax going, and then
7 we'll resume.

8 MS. FETTERLY: The fax is 360-357-5761.

9 MR. BOGDANOVICH: Ms. Zellner, until we get the
10 documents the way you've grouped them, I think we're all
11 familiar with the way they were paginated as 1 of 8 or
12 22 of 22. If you go into the groups, if you can just
13 kind of try to identify them by subject and how many
14 pages, we can probably figure out how to follow along.

15 MS. ZELLNER: Sure. The entire packet I want
16 marked as group Exhibit A, and then there are various
17 tabs to group Exhibit A.

18 BY MS. ZELLNER:

19 Q. But I want to start, Ms. Spencer, with your
20 handwritten letter. You do have that?

21 A. I have it.

22 Q. So what I'd like to do is -- because it is
23 handwritten, have you read it out loud. We'll go two or
24 three sentences at a time and then stop and let me ask
25 you any questions, then we'll go a little bit further.

1 We'll just work our way through it slowly because it's
2 an important document in the case.

3 So tell me the circumstances under which you
4 decided to write a letter.

5 A. Kathryn Spencer wanted me to do sexual favors
6 for her and she wanted to do sexual favors to me. And
7 it was on an evening of watching a video movie with her
8 and Big Matt and Little Matt. Her dad was gone.

9 Q. How long -- and you said that the visit lasted
10 six weeks. How far into the visit do you think that
11 was? And was it a week or two or three weeks?

12 A. It was just two days before she went home, so
13 it was the end of the sixth week.

14 Q. And up to the point of this event that happens
15 on -- and I believe it's August 24th, 1984, had Kathryn
16 done anything that seemed of a sexual nature to you up
17 to that point?

18 A. No, ma'am.

19 Q. Did you notice any behavior on her part that
20 you would characterize as being sexual in nature?

21 A. She seemed to be a very sexual little girl for
22 a five-year-old. Always want to go sit on men's lap and
23 hanging on him and hugging on him and wanting to kiss on
24 him and stuff, just kind of unusual for me. I've never
25 seen that before.

1 Q. And is that -- did you notice that fairly soon
2 after she arrived?

3 A. Yeah, pretty much the whole time she was there,
4 yes.

5 Q. And which men did you see Kathryn act that way
6 around?

7 A. Her dad, my sons, friends of Ray's that would
8 come over.

9 Q. Anybody else?

10 A. I can't think of anybody. It really didn't
11 happen with women, except, you know, she liked to be
12 hugged.

13 Q. So leading up to this evening on Friday, August
14 24th, you'd made those observations about her.

15 Let's just start out, if you could read into
16 the record, your words. Let's go like three sentences
17 and then I can ask questions.

18 A. Friday, August 24th, 1984, about 9:00 p.m. The
19 kids all wanted to sleep on the floor in the living
20 room, front room and watch a videotape as they had the
21 night before.

22 Q. Okay. And let me ask you, up until this
23 evening, it sounds like you had done this before with
24 them where you lie on the floor and you watch a video,
25 right?

1 A. You know, I honestly can't recall of how many
2 times that was or would have been. I know for sure two,
3 you know.

4 Q. And the other time that that happened, I'm
5 assuming that there was no sexual activity or attempts
6 on Kathryn's part --

7 A. No.

8 Q. -- is that right?

9 A. That's right.

10 Q. Okay. So continue on. While they were
11 watching --

12 A. While they were watching the cartoon, I took a
13 shower. When I finished, I put on a movie and Kathryn
14 and Big Matt asked me to lay between them on the floor
15 while they watched the movie. Ray was at work.

16 Q. When you did lie on the floor between them, how
17 were you dressed at that point?

18 A. I would have had my pajamas and bathrobe on.

19 Q. Okay. So continue from there.

20 A. Around 10:00 or 10:30, the boys fell asleep.
21 Kathryn asked me if she could rub my tummy, which was
22 normal for we all rubbed each others backs, legs, feet
23 and tummies, et cetera. Sometimes it was a whole family
24 project.

25 Q. Tell me a little bit more about that. Tell me

1 the circumstances under which that was happening. Was
2 that in the evening or was that -- explain that to me.

3 A. Anytime the kids were, you know, might want to
4 go to bed or were going to bed, you know, they liked
5 their backs and their tummies or their legs and feet
6 rubbed, still kind of a practice we do today.

7 Q. And that was something that you and Mr. Spencer
8 did to the children. They also did that to you?

9 A. Yes, ma'am.

10 Q. If you want to continue.

11 A. While she rubbed my tummy, she slid her hand up
12 and tried to expose my top a few times and I said,
13 Kathryn, and then she paid close attention -- then I
14 paid close attention. She would put her arm across my
15 chest and then try to move my robe and feel my breasts
16 and sneak to see if Big Matt was watching.

17 Q. Okay. So just so I can visualize that a little
18 bit better, when you say she put her arm across your
19 chest, so she's reaching -- you've got on your bathrobe
20 and under your pajamas; is that right?

21 A. Yes, ma'am.

22 Q. And she reaches across you at some point?

23 A. Yeah.

24 Q. Is she trying to undo your robe?

25 A. No, she was like reach across and hug me, like

1 (indicating). You're laying beside somebody and you
2 throw your arm across their chest, that way, like a hug.

3 Q. All right. And then you say she tries to move
4 your robe and feel your breast. What do you
5 specifically remember her doing, like, how did she try
6 to remove your robe?

7 A. She kind of pushed up under and moving it apart
8 up under my pajamas, because she was -- move your hand
9 down, trying to move it. I don't know how to explain
10 it, other than that.

11 Q. So she does that and then you see her look over
12 at Pat. Was Matt asleep, Big Matt, was he asleep?

13 A. Yes, ma'am.

14 Q. Okay. So let's continue on, then.

15 A. Then she tried to slide her hand back to my
16 tummy -- or let's see. She slid her hand back to my
17 tummy, and all of a sudden she slid her hand down to my
18 front. Startled, I said, Kathryn. And she jerked her
19 hand away.

20 Q. So kind of describe, just with a little more
21 detail, kind of describe that movement that she makes so
22 that we can understand.

23 A. Well, rubbing my tummy and she tries to put her
24 hand down my front real quick.

25 Q. Okay. And when you say she tried to put her

1 hand down your front, you still have your pajamas and
2 your robe on, right?

3 A. Yes, ma'am.

4 Q. And how far down does she extend her hand?

5 A. She just barely got, you know, under my pajama
6 waist.

7 Q. Okay. So she actually put her hand inside the
8 robe and under your pajamas --

9 A. Yes.

10 Q. -- is that right, that's what she did?

11 A. Yes.

12 Q. Okay. So if you could please continue.

13 A. She jerked her hand away. She said, Mommy, can
14 I rub your pee pee. I said, no, Kathryn. She said, can
15 I rub -- yeah, can I rub your pee pee, and when I'm
16 done, will you rub my pee pee. And she said, it feels
17 good. Can I?

18 Q. So let's talk about that comment on her part.
19 So you remember that she -- at that point she called you
20 mommy, right?

21 A. Yes. Yes, she did.

22 Q. And does she use the term pee pee?

23 A. Yes, ma'am, she did.

24 Q. And had you ever heard her use that term
25 before?

1 A. I don't know. I couldn't tell you that. I
2 can't remember.

3 Q. But you're sure that -- you're sure that she
4 used that word pee pee?

5 A. Yes, ma'am.

6 Q. Okay. And then she asked you if she could rub
7 your pee pee and when I'm done will you rub my pee pee.
8 She said, it feels good. Can I? Now, was she speaking
9 in complete sentences when she said that to you or was
10 she gesturing? I'm just trying to get a sense of her
11 level of expression.

12 A. I think she was saying it in complete
13 sentences. I don't know, ma'am. It's so long ago, I
14 can't remember exactly. I don't remember exactly what
15 she said and did.

16 Q. Okay. And was this the only occasion in your
17 life, other than with your son, Matt Hansen, that any
18 child had reported sexual abuse to you? Had you ever
19 been in that situation before?

20 A. Other than what happened to me, no, never been
21 in that situation with my older children, ever.

22 Q. And did this -- what she was doing, did it
23 remind you of anything that had happened to you as a
24 child?

25 A. Actually not. It just shocked me.

1 Q. Now, let's continue on. It says you say, no,
2 right? I said, No.

3 A. Yes. You want me to read?

4 Q. Right. Karen is Karen Stone, though, right?

5 A. Yes, ma'am.

6 Q. Okay. Yeah, if you could continue on.

7 A. She said, Karen let me rub her pee pee. And I
8 said, no. I will rub your back and your tummy, not your
9 pee pee. She kept insisting she wanted me to do this
10 for it felt so good.

11 Q. How do you know that pee pee, in what she's
12 telling you, how do you know that that refers to her
13 genitals? How do you know that that's what she means?

14 A. Well, I don't know what else it would mean.

15 Q. But does she point at her -- does she point in
16 the area where she wants you to rub or did she just use
17 that term?

18 A. She just tried to push my hand there.

19 Q. And where does she push your hand to?

20 A. She got, you know, just below tummy level,
21 that's it, before I jerked my hand away.

22 Q. So am I correct, though, that she doesn't --
23 she doesn't put your hand on her genitals, right?

24 A. No.

25 Q. And other than saying that she wants you to rub

1 her pee pee and pushing your hand down below her tummy,
2 does she do anything else that would indicate that she
3 wants some type of sexual contact with you?

4 A. Other than that, that's it.

5 Q. I'm just trying to see if there's anything else
6 that you remember. All right?

7 So if we start in where she again said, Karen
8 and my mommy, do you see that?

9 A. Okay.

10 Q. Would you read those three sentences?

11 A. Again or after that, after my mommy?

12 Q. Just start reading where you left off.

13 A. And my mommy let me rub their titties and their
14 pee pee. At that I started questioning her about Karen
15 and her mommy, and then she told me her daddy was always
16 hurting her and Karen was -- oh, no -- my dad was away
17 hunting and Karen was laying on the bed with Kathryn.
18 Karen had Kathryn untie her robe and rub her tummy then
19 her breasts then she let her rub her pee pee.

20 Q. Okay. And again, this is referring to Karen
21 Stone; is that right?

22 A. Yes, ma'am.

23 Q. Now, when Kathryn told you about this sexual
24 activity between herself and Karen, did you believe her?

25 A. I didn't know what to think. I was shocked. I

1 was upset, yeah. I wasn't sure what was going on. No
2 reason --

3 Q. Did she seem like she was telling the truth
4 about Karen Stone?

5 A. I, you know, can't tell you.

6 Q. During those six weeks that you were with her
7 in 1984, did you ever catch her in any type of lie about
8 anything?

9 A. No.

10 Q. Did she ever make up stories in your presence
11 that you found out later were not true?

12 A. None that I know of.

13 Q. So after she tells you about Karen Stone, what
14 happens after that?

15 A. You want me to read some more?

16 Q. Yeah.

17 A. I asked her then what she said, Karen once
18 rubbed her pee pee.

19 Q. Tell me what kind of questions were you asking
20 her to get her to open up to you and talk.

21 A. Just what I have written here, nothing else.

22 Q. Okay. Well, it just says that you asked
23 questions, but I wondered if you remember how you got
24 her to open up and talk about Karen Stone.

25 A. She's the one that --

1 Q. Did you ask her -- I'm sorry. I cut you off.

2 Go ahead.

3 A. No. She just volunteered that information. I
4 didn't ask her that.

5 Q. As you sit here today, do you think that Karen
6 Stone molested Kathryn Spencer?

7 A. I had no idea. I wasn't sure who did what,
8 just from what Kathryn told me. That's all I knew. I
9 had never been involved in this kind of thing before, so
10 it was new to me.

11 Q. And the letter was written up, was it not, at
12 Ray Spencer's request?

13 A. Absolutely not.

14 Q. Tell me about that.

15 A. I called CPS or Child Protective Services and
16 told them what she had said, and they asked me to write
17 it down. I asked them if I should get some batteries
18 and record it because I had a recorder, and they said,
19 no, it wouldn't hold up, just to write it down and
20 they'd have an officer pick up the paperwork. Ray
21 wasn't even home.

22 Q. So you make the first call to Child Protective
23 Services. Do you call the next morning after that
24 episode with Kathryn?

25 A. Yes, ma'am.

1 Q. And do you remember who you spoke to?

2 A. No, ma'am, I don't.

3 Q. But they advised you not to tape record, right,
4 because it wouldn't hold up in court?

5 A. Yes, they told me to write it all down.

6 Q. Okay. And so when you had written it down,
7 when you're actually writing it, is Ray Spencer home
8 yet?

9 A. No, he's not.

10 Q. So you complete the entire document, what we've
11 marked as the first tap in group Exhibit A, you complete
12 that before he gets home, right?

13 A. Yes, ma'am.

14 Q. All right. Let's continue on.

15 A. Okay. I was just waiting on you to ask me.
16 Sorry.

17 Q. Okay.

18 A. I asked Kathryn how many times did this happen
19 and she said a few. I then asked her about her mommy,
20 DeAnne. She said pretty much the same things, that they
21 rubbed each others tummies, tops and pee pees.

22 Q. All right. And so now she's telling you about
23 her mother doing that. And does she do that with
24 questions from you? Do you say has anyone else touched
25 you inappropriately or does she just volunteer DeAnne's

1 name?

2 A. She volunteered her mommy. She didn't say
3 DeAnne. She just said mommy.

4 Q. When she's talking, do you start making notes
5 or how do you actually put the letter together the next
6 day, just from memory?

7 A. Yes, ma'am, part of it.

8 Q. So then if you could start with where it says,
9 I said was this only. Do you see that?

10 A. Yeah. Was this only when mama put medicine on
11 your pee pee because it was sore? And she said, no.
12 She rubbed it other times.

13 Q. Now, were you aware that Kathryn had a sore in
14 the vaginal area?

15 A. Not the summer that she came to our house.
16 That was -- I heard about that was the summer that Ray
17 was living with Karen Stone.

18 Q. Okay. And when you put -- the reason that you
19 put the description about putting medicine on is because
20 you knew that information, right, that Kathryn had had
21 the vaginal sore and medicine had been put on it?

22 A. Well, that and the fact that kids don't wipe
23 good, sometimes they get sore.

24 Q. Okay. And then she said, no, correct?

25 A. She said, no.

1 Do you want me to read more?

2 Q. Yeah. Yeah, let's go all the way to --

3 A. Pardon?

4 Q. Yeah, continue, please.

5 A. She rubbed it other times when it didn't need
6 medicine. And again asked me if I would rub her pee
7 pee. I said I would rub her back and her tummy, not her
8 pee pee.

9 Q. Okay. Let's continue on.

10 A. She then said, daddy let's me rub his pee pee
11 and he rubs my pee pee. That really tore me up. So I
12 kept it light as we watched the videotape and tried to
13 question her more. I asked her where the boys were when
14 this happened and she said asleep.

15 Do you want me to go on?

16 Q. Yeah, let's stop at that point. When she says
17 daddy, do you know at that point if she's referring to
18 Ray Spencer or she's referring to someone back at her
19 mother's home in Sacramento?

20 A. I only knew of Ray, her own dad. I didn't know
21 that there was any person in Sacramento.

22 Q. And I ask that question because you said she
23 was calling you mommy, right?

24 A. Yes.

25 Q. So did you think at that point that she was

1 referring to Ray Spencer or you just didn't know at that
2 point?

3 A. I thought she was referring to Ray Spencer. I
4 didn't know of anybody else.

5 Q. Okay. Can you continue on?

6 A. I asked where the boys were when this happened
7 and she said asleep. I asked her where I was and she
8 said you were at work. I asked her how many times, one,
9 two or three, and she said a whole bunch. She said
10 daddy told her not to tell. I said, then, why are you
11 telling me, Kathryn?

12 Q. Let's go a little bit further.

13 A. She said, I wanted you to know. I said, are
14 you going to tell your mommy, DeAnne? And she said, no,
15 she would never do that. I asked her why? She said
16 mommy -- I asked her why, she said mommy would laugh at
17 me. I asked her if she was going to tell anyone else,
18 and she said no.

19 Q. Okay. So are you asking her if she is going to
20 tell anyone?

21 A. Yes.

22 Q. And then she's telling you, no, that she isn't
23 going to tell anybody, right?

24 A. Right. Do you want me to go on?

25 Q. Yeah.

1 A. Ray came home from work and I didn't know what
2 to do or say. I never came up against anything like
3 this before. I was scared for Kathryn. Many things ran
4 through my mind: What to do? What to say? How to say
5 it? But I just couldn't do or say anything to him until
6 I talked with Kathryn more.

7 The next day Ray left for work. I took the
8 kids to the beach. While the boys swam, Kathryn laid on
9 the blanket to keep warm and we talked some more. She
10 said the same story about her mom and Karen and went
11 into more detail about her dad and her big -- and Big
12 Matt.

13 Q. Okay. So let me just stop you there because
14 I'm trying to figure out in the sequence.

15 We know that this event with Kathryn occurs on
16 Friday, August 24th. Is it on Saturday that you write
17 this letter up or do you remember?

18 A. Yeah, I don't remember the day of the week. I
19 just remember it was, like, the 24th. I don't remember
20 the day of the week, though. I'm assuming it was a
21 Saturday because I probably wouldn't have been able to
22 take them to the beach. I'd have been working.

23 Q. And it appears that by Saturday that Ray is
24 home; is that right?

25 A. I don't know that it was Saturday. It was the

1 day after they left. He didn't come home until the day
2 after they left.

3 Q. Because on that passage you read back up a
4 paragraph, it says Ray came home from work and I didn't
5 know what to do or say.

6 A. Right.

7 Q. I've never -- right, so I'm just trying to
8 figure this out. Was Ray at work on Saturday and he
9 came home?

10 A. He came home from work and then he left for a
11 motorcycle convention in Seattle, I think it was, the
12 next morning.

13 Q. Okay. So he's just you home for a short period
14 of time. Is he home that night, that Friday night?

15 A. Just that night.

16 Q. So you have this conversation with Kathryn,
17 then Ray comes home, but you don't say anything to him
18 at that point; is that right?

19 A. That's right.

20 Q. And tell me, because Kathryn has named all
21 these people, her mother, Karen Stone, Ray Spencer and
22 Big Matt, tell me why you didn't say anything to Ray
23 Spencer at that point?

24 A. I didn't know what to say or how to say it.

25 The whole thing had me just upset and I didn't know what

1 to do or say.

2 Q. And would it be a fair statement to say at that
3 point you didn't really know whether Kathryn was telling
4 you the truth or she just made all of this up?

5 A. I wouldn't have had a clue where it all came
6 from. I wouldn't assume she would lie. I didn't know
7 her to lie, but I just didn't have a clue where it all
8 came from. It was such a shock.

9 Q. And you would agree that she's describing
10 multiple abusers to you, right?

11 A. Yes, ma'am.

12 Q. And that's similar, I think, to what happened
13 to you, right, not just one person, but there's multiple
14 abusers?

15 A. That has nothing to do with me. But, yes.

16 Q. Well, wouldn't you be more sensitized to this
17 issue, though, having been abused yourself?

18 MR. DUNN: I'm going to object to that type of
19 questioning. You're asking for conclusions or opinions
20 about matters that she's not qualified to give and
21 doesn't -- it would require her to speculate. It would
22 require her to speculate on matters that don't have
23 anything to do with evidence.

24 MS. ZELLNER: Your objection is noted for the
25 record. This is a federal deposition. And unless

1 you're going to instruct her not to answer, I would ask
2 you to answer my question over his objection.

3 MR. DUNN: You can go ahead and answer.

4 THE WITNESS: Would you repeat it, now, please?

5 BY MS. ZELLNER:

6 Q. Sure. Do you believe that this -- at this
7 point when Kathryn was telling you these things about
8 being sexually abused by multiple abusers, that you
9 personally were very sensitive to this issue of abuse
10 because of your history?

11 A. No, never entered my mind about me.

12 Q. Okay. All right. So let's continue on.

13 A. She said that Big Matt stuck his finger in her
14 sometimes. I asked her about any other men or women and
15 she said no, every time Big Matt came around she said,
16 shush, Matt's coming. She said, you won't tell dad, and
17 I said, no. And don't you say anything. She said dad
18 told me not to say anything -- to tell you.

19 Q. Okay. And you're still at the beach when she's
20 telling you all this information?

21 A. Yes, ma'am.

22 Q. And you hadn't written the letter yet, right?

23 A. No, ma'am.

24 Q. And Ray has come home, but he's left for his
25 motorcycle conference.

1 A. Yes, ma'am.

2 Q. So then what else does she tell you? Let's
3 continue on.

4 A. Dad told me not to tell you and you tell me not
5 to tell dad. I said that's a little different. She
6 said, again -- she again asked me about why I wouldn't
7 rub her pee pee. I couldn't make her feel dirty, so
8 change the subject and she said -- let's see. I don't
9 know where I'm at. Hang on.

10 Q. Sure. I think it says she said I rubbed you --

11 A. Yeah. I'm sorry. She said, yeah, I rubbed
12 you. I said, Kathryn, you rubbed my tummy, not my pee
13 pee. And you --

14 Q. I think it says you touched it mom told you no.

15 A. Yeah, you touched it and mom told you no. She
16 said, I know, but can I, Mom, it feels good? I said,
17 no, and started questioning her again.

18 And she said dad would lay on his back and she
19 would lay on his tummy and they started out with dad --
20 oh, man, I'm having a hard time, I'm sorry,
21 concentrating here -- and in his robe and shorts and in
22 her nightie and panties. And then she said she took off
23 her panties and dad, that -- slid daddy's down and he
24 put his pee pee between her legs. I asked her then,
25 what I said --

1 Q. Let's stop. There's a couple of things I want
2 to ask you about.

3 A. Okay.

4 Q. You said when you began that last passage, it
5 says she said I rubbed you. I said, Kathryn, you rubbed
6 my tummy, not my pee pee. Am I reading that correctly?

7 A. That's right.

8 Q. So she's just said that you rubbed her and yet
9 you know that that's not true. All that was rubbed was
10 her tummy.

11 A. Was her tummy.

12 Q. So right there in that one sentence, she's
13 telling you that you've also rubbed her and you're
14 telling her, no, that wasn't my pee pee. Do you
15 understand what I'm saying? She's actually
16 misconstruing what went on between you and her at that
17 point, because it specifically said, she said, I rubbed
18 you. I said, Kathryn, you rubbed my tummy and not my
19 pee pee. Do you see that?

20 A. Right.

21 Q. So you're correcting her when she says that she
22 had actually rubbed you, right?

23 MR. DUNN: I'm going to object to the form of
24 that question because it's argumentative and calls for
25 conclusions.

1 MR. BOGDANOVICH: I'll object.

2 MS. ZELLNER: Your objection is noted.

3 BY MS. ZELLNER:

4 Q. Did I read that correctly? Is it correct that
5 you wrote down, not my pee pee, correct?

6 A. That's correct. She rubbed my tummy not my pee
7 pee.

8 Q. But you corrected her, am I right?

9 MR. BOGDANOVICH: Object to the form of the
10 question. It's argumentative and inaccurate.

11 BY MS. ZELLNER:

12 Q. You can answer over that objection.

13 A. I don't know how to answer it, other than to
14 say she rubbed my tummy, not my pee pee. So I guess if
15 that's a correction, that's a correction.

16 Q. All right. So then if we go down to where you
17 left off, pick up where you left off.

18 A. Daddy put his pee pee between her legs. I
19 asked her then what she said. He tried to put it in her
20 little hole but it was too big. I said, didn't it hurt?
21 And she said, yes. I said, then what did you do? And
22 she said, I told daddy it was too big. And he said,
23 what can I say, baby girl.

24 Q. Now, I'm assuming that you're trying to quote
25 her directly, am I right?

1 A. Yes, ma'am.

2 Q. And how long after you're on the beach do you
3 write this letter?

4 A. As soon as we got home. So we were down there
5 a couple of hours.

6 Q. So when you get home, you write the letter from
7 your memory of what she told you on the beach and also
8 at the house.

9 A. Yes, ma'am.

10 Q. And you would agree with me that the letter is
11 fairly detailed, wouldn't you?

12 A. I think so. I tried to be accurate.

13 Q. And you tried to put in as much detail as you
14 could, right?

15 A. I put in only what she told me.

16 Q. Okay. So let's continue on, if you'll keep
17 reading.

18 A. She said, I don't know. I said, then what.
19 She said to her -- he then kissed her pee pee and she
20 kissed his and tried to or did put it in her mouth. I
21 asked her if she ever got sore and she said yes. And I
22 said, from what? And she said -- what's that word? --
23 from -- and she said from rubbing it. I can't read my
24 own writing.

25 Q. Please continue.

1 A. I asked her if he said nice things to her and
2 she said he kisses me and tells me he loves me and tells
3 me I have a pretty bottom. I asked her if she liked
4 this and she said, yes, and she loves her daddy. And
5 does he do these things to me? And I said, that's
6 different, Kathryn.

7 Q. And so your testimony is that what you've got
8 written here is exactly what Kathryn Spencer told you at
9 the beach, right?

10 A. Yes, ma'am.

11 Q. Okay. Let's continue. We've got about a
12 paragraph to go.

13 A. Kathryn feels good about all this. She likes
14 it and wants it more. And she said she wants to know
15 what it feels like to do more. I don't know how to tell
16 her that this wasn't right without making her feel bad
17 or dirty.

18 I asked her if she was telling me stories and
19 she said, no. I said, you wouldn't tell me lies? She
20 said, no. You're not making it up? No. I asked her if
21 she had -- she was afraid of me and she said, yes. And
22 I said, why? I've never -- I have never spanked you.
23 Are you afraid of that? And she said, well, my mommy,
24 DeAnne, would spank me and send me to my room. I said,
25 you know I wouldn't do that. She said, I know. And I

1 said, then is this all so? And she said, yes.

2 I then got batteries, called Crises and asked
3 them if I should tape this and they said it wouldn't do
4 any good. It wouldn't hold up in court, so I didn't
5 tape her.

6 Ray called and I told him then -- and then he
7 took it to California Crisis when he got home.

8 Q. Go ahead.

9 A. I told him before he got home, when he called
10 and asked me what was wrong.

11 Q. And you described everything that Kathryn had
12 told you?

13 A. When he called home, I was upset and all I said
14 was Kathryn accused you of molesting her. And he said,
15 Is that all? Oh, well, I'll take care of that when I
16 get home.

17 Q. Well, Kathryn actually had accused him of
18 molesting her. She'd accused her mother, DeAnne
19 Spencer, of molesting her. She'd accused Matt Spencer
20 of molesting her and she had accused Karen Stone of
21 molesting her, right?

22 A. Yes, ma'am.

23 Q. So did you tell Ray Spencer in that phone
24 conversation that she'd accused all those other people
25 of molesting her?

1 A. I don't remember.

2 Q. Did you tell Ray Spencer that you had written a
3 letter?

4 A. I don't remember what I said on the phone
5 anymore.

6 Q. Okay. But I want to make sure that your
7 testimony under oath is that Ray Spencer did not tell
8 you to write up what Kathryn had said to him. Am I
9 correct, he did not tell you that?

10 A. Absolutely not. He did not tell me that. CPS
11 told me that.

12 Q. So when you reference CPS in that last sentence
13 that you just read me, and it says, I then got
14 batteries, called the crisis line because I didn't know
15 what to do. I asked crisis line if I should tape
16 Kathryn. She said it wouldn't do any good, wouldn't
17 hold up in court, so I didn't tape her.

18 Would you agree with me that you don't document
19 the fact that the Crisis worker told you to write up the
20 allegations that Kathryn made?

21 A. I guess I didn't --

22 Q. I don't see it.

23 A. I guess I didn't document that, but they told
24 me to write it up, write it down.

25 Q. Is there any reason you didn't write that down?

1 A. I didn't think about writing it down, I guess.

2 Q. Okay. So when does Ray come home?

3 A. He came home the next day after the kids left.

4 Q. Now, you knew the kids were going to return to
5 Sacramento, right?

6 A. I did.

7 Q. Okay. And you knew that Kathryn had accused
8 her own mother of molesting her, right?

9 A. I did.

10 Q. And did you attempt to contact anybody before
11 Ray got home in Sacramento, since Kathryn was going home
12 to her mother?

13 A. No.

14 Q. So when Ray gets home, tell me as best you can
15 about your conversation with him, what you said to him,
16 what he said to you, and does he come home on Saturday
17 or Sunday?

18 A. I don't remember whether it was Saturday or
19 Sunday. I think it was Sunday, but I don't remember for
20 sure.

21 Q. Okay. So when he comes home, is your letter
22 already written?

23 A. Yeah. Yes, ma'am.

24 Q. So do you show Mr. Spencer your letter?

25 A. Yes, he read the letter.

1 Q. Okay. Did he tell you to take anything out of
2 the letter?

3 A. No.

4 Q. Did he tell you to alter it in any way?

5 A. No.

6 Q. Did he tell you not to give the letter to
7 authorities, to the law authorities?

8 A. No.

9 Q. So what do you remember about your conversation
10 with Mr. Spencer when he came home?

11 A. What he said was it was DeAnne turning the kids
12 against him or some guy that was probably living with
13 her, but DeAnne has been trying to turn the kids against
14 him and he thought that she probably set him up to say
15 these things -- set them up to say these things.

16 Q. Did he then try to report these allegations to
17 any law enforcement agency?

18 A. Yeah, he made phone calls. I think it was to
19 Vancouver or Clark County, I don't even know, and
20 Sacramento.

21 Q. Did he at any point tell you to keep these
22 allegations quiet?

23 A. No.

24 Q. Did he at any point tell you when he gets home,
25 I might lose my job. We've got to keep this quiet?

1 Krause in her office?

2 A. Yes.

3 Q. In that meeting, do you remember her asking you
4 if Matt had ever complained about his penis hurting or
5 rectum? Do you remember her asking you those questions?

6 A. Yeah, about his bottom hurting, because he had
7 complained about his bottom hurting or tummy hurting.

8 Q. And had Little Matt's complaints about his
9 bottom and his tummy hurting, had they been after
10 February 16th, after the Salmon Creek?

11 A. Yeah, it was after the birthday, I'm pretty
12 sure.

13 Q. Did you take Little Matt for a medical exam at
14 a certain point in time?

15 A. Yes, I did.

16 Q. What were the results of the medical exam on
17 Little Matt?

18 A. I really wasn't privy to that information. He
19 just said it was hard to tell in a child that small
20 because their muscles are so flexible, strong, whatever
21 he said. I don't remember the exact words he said.

22 Q. Was it your idea to take Little Matt for the
23 exam or did Detective Krause recommend it?

24 A. Detective Krause recommended it.

25 Q. And after Little Matt's medical exam, did you

1 talk to Detective Krause about the medical findings on
2 Little Matt?

3 A. Well, I didn't know the medical findings. I
4 just said I had taken him. And all I know is what he
5 said that it was hard to tell, but he didn't tell me the
6 results.

7 Q. Okay. We're talking about the doctor?

8 A. Yes.

9 Q. The doctor did not tell you that he was
10 observing injury, though, correct?

11 A. He didn't tell me one way or another.

12 Q. Did you ever follow up to find out from
13 Detective Krause about what the doctor said in his
14 medical report?

15 A. No.

16 Q. Did Detective Davidson also know about the
17 medical exam of Little Matt?

18 A. I have no idea. I wasn't really talking with
19 Mike Davidson, just Sharon Krause, so I have no idea
20 what he knew.

21 Q. So going back to your interaction with Sharon
22 Krause, and we're in that time period about February
23 22nd, did you at a certain point in time conclude that
24 Little Matt had been sexually molested by Ray Spencer?

25 A. Did I conclude that he was?

1 MR. DUNN: Deed.

2 THE WITNESS: -- that paper I took in there,
3 quitclaim deed. He didn't talk to me about seeing him
4 any other time.

5 BY MS. ZELLNER:

6 Q. Did Michael Davidson ever tell you that he'd
7 gotten in trouble with the jail staff, jail personnel,
8 for visiting Ray Spencer?

9 A. No.

10 Q. He never told you that?

11 A. Not that I remember.

12 Q. Okay. Did Michael Davidson ever tell you that
13 he had attempted to convince Ray Spencer to plead
14 guilty?

15 A. No.

16 Q. Would you agree with me that the first time you
17 go out in public with Michael Davidson is in June of
18 1985?

19 A. 1985, in June.

20 Q. That's the first time you go out in public,
21 right?

22 A. Well, never saw him privately before then,
23 either.

24 Q. When does -- does he ask you out or do you ask
25 him out?

1 A. He called and asked me if I'd like to meet him
2 for a drink. And that was in June of '85.

3 Q. And why is it that you started dating Michael
4 Davidson?

5 A. I don't know. I don't have an answer for that.
6 I just met him and talked to him, and I guess I liked
7 him then, liked our conversation. And I guess I just
8 needed, like I said, somebody to lean on.

9 Q. When you say that you talked to him, were you
10 having phone conversations with him before June?

11 A. No.

12 Q. So did you at any point meet Michael Davidson's
13 wife, Linda Davidson?

14 A. I saw her one time, one time only, and it was
15 at her -- I'm trying to think if it was a son or a
16 daughter -- I think it was a son's wedding. That's the
17 only time I ever saw her. And we never really had a
18 conversation. I met her. That was it.

19 Q. Did you ever go to Michael Davidson's house
20 prior to him moving into your house?

21 A. No, I didn't even know where he lived.

22 Q. Is there any other reason that you became
23 involved with Michael Davidson, other than what you've
24 just told us?

25 A. No, because I didn't even like him in the

1 A. Yes, ma'am.

2 MS. ZELLNER: Objection. She said she didn't
3 know what the organization was and then you told her.

4 MS. FETTERLY: She said she didn't know then
5 but she knows now.

6 THE WITNESS: I don't know. Now, what was the
7 question? Would you repeat it? I'm sorry.

8 (Last question read by reporter.)

9 THE WITNESS: I didn't understand that then. I
10 didn't even know about it then, but I know this now,
11 what it's for. But nobody ever said anything to me
12 about it.

13 MS. FETTERLY: Thank you. I have no further
14 questions.

15
16 EXAMINATION

17 BY MR. BOGDANOVICH:

18 Q. Ms. Spencer, I'm Guy Bogdanovich. I represent
19 Sharon Krause.

20 I would like to know whether you have ever
21 reviewed the typewritten reports that Sharon Krause
22 prepared, either documenting her interviews with you or
23 her interviews with your son, Matt.

24 A. Yes, I've read them.

25 Q. Okay. When did you read those for the first

1 time?

2 A. I don't remember reading any of those reports
3 until I got subpoenaed. If I did, I don't remember
4 them.

5 Q. Do you remember reading -- go ahead.

6 A. And I don't remember just now, but over the
7 last eight months or so.

8 Q. You reviewed them initially around the time
9 that your deposition was taken many years ago and then
10 you reviewed them again in the last -- what? -- in the
11 last eight months?

12 A. Yeah, is what I remember.

13 Q. Okay. If you recall, specifically do you
14 remember reviewing a report where Detective Krause
15 documented all of the difference communications and
16 contacts she had with your husband, Ray, or with you or
17 with both of you together?

18 A. No, I don't remember her interviewing the two
19 of us together. I don't remember.

20 Q. And I don't mean -- I don't mean to use
21 interview in a formal or technical sense.

22 She has a report, for example, that she
23 documented that there was a phone call that occurred
24 between either her or Ray. And there's the same report
25 that contains information about the two occasions where

1 you and Ray went into the sheriff's office for Ray to
2 take polygraph examinations. Do you remember --

3 A. I did read those.

4 Q. In your review of that report, did you find any
5 inaccuracies in what Detective Krause was reporting?

6 A. No, sir.

7 Q. You recall specifically, though, one of the
8 polygraph incident reports documented in many quotations
9 of statements made by Ray in anger, where he was using
10 the F word repeatedly, and she recorded those
11 accurately?

12 A. Yes, I remember those.

13 Q. And then specifically do you remember reviewing
14 a 22-page report that documented Detective Krause's
15 interactions with you and then her interview with your
16 son, Matt, in February of 1985?

17 A. I remember reading those, yes.

18 Q. And again, I'd ask you the same question, did
19 you find any inaccuracies in the way Detective Krause
20 documented what was said during those events?

21 A. No, I didn't find any inaccuracies.

22 Q. One of Detective Krause's report documented
23 something you told her about Leo Clark calling you at
24 some point and you told Detective Krause that he "got in
25 your face." Do you remember that incident?

1 MS. FETTERLY: I'd ask the reporter to hand Ms.
2 Spencer the document that has now been marked as Exhibit
3 B.

4 THE WITNESS: I have it.

5
6 EXAMINATION

7 BY MS. FETTERLY:

8 Q. And Ms. Spencer, can you take a look at that
9 document, and just -- I just want you to verify that
10 that is actually a copy of the handwritten statement you
11 made on or about August 25th, 1984, which documents your
12 conversation with Kathryn Spencer of August 24 and 25,
13 1984; is that correct?

14 A. That's correct.

15 Q. Is that a true and accurate copy of your
16 original notes --

17 A. Exactly.

18 Q. -- documenting those conversations?

19 A. Exactly.

20 Q. Just so the record was clear, in the earlier
21 portion of your deposition, there was some rather
22 extensive questioning by Ms. Zellner concerning your
23 handwritten document. And previously the record had
24 stated that that document was Tab A-1. Do you recall
25 that testimony where you were questioned about that

1 handwritten document at some length?

2 A. Yeah, I remember. Ours just said exhibits.

3 Q. And you read extensively in response to Ms.
4 Zellner's question from that document.

5 A. Yes, ma'am.

6 Q. Is that the document you read from earlier in
7 your deposition the document that's been marked as
8 Exhibit B?

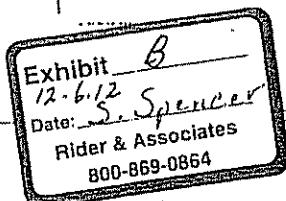
9 A. Yes, ma'am.

10 MS. FETTERLY: Thank you. I wanted to clarify
11 that for the record.

12 (Deposition concluded at 2:12 p.m.)
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84-8506

(1)
 Fri. Aug. 24, 1984, about 9:00pm:
 the kids all wanted to sleep on the
 front room floor and watch the
 video as they had the night before.
 While they were watching the video
 I took a shower. When I finished
 I put on a movie and Kathryn and
 Big Matt asked me to lay between
 them on the floor. While watching
 the movie Ray was at work.
 Around 10:00 or 10:30, the boys fell
 asleep. Kathryn asked me if I
 could rub my tummy. Which was
 normal for we all rub each others
 back, legs, feet, tummies etc. some-
 times a whole family project. While
 she rubbed my tummy she held
 her hand up and tried to expose
 my top a few times. I said
 Kathryn ok then said Close
 att. to his actions. She would
 put her arm across my chest
 and try to摸 my butt and
 feel my breast and sneak a look
 to see if Big Matt was watching.
 Kathryn said Kathryn and she slid
 her hand back to my tummy. All
 of a sudden she slid her hand



Spencer-05222

84-8506

(5)

down to my front. Startled, I said Kathryn, and she jerked her hand away. She said Mommie can I get your peepee. I said no Kathryn. She said Can I rub your peepee and when I'm done, will you rub my peepee. She said it feels good. Can I. She said Karen let me rub her peepee. I said no. I will rub your back and tummy not your peepee. She kept insisting she wanted me to do this for it felt so good. She would grab my hand and try to push it to her peepee. I said no. She again said Karen and my Mommie ^{and me} let me rub this, titties and peepees. At that I started questioning her about Karen, about her Mom. She told me her dad was away hunting and Karen was laying off the bed with Kathryn. Karen had Kathryn wipe her robe and rub her tummy, then her breast, then she let her rub her peepee. I asked her then what and she said Karen rubbed her peepee.

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03

I asked Kathryn how many times did this happen. She said a few. I then asked her about her mom. She said pretty much the same things that happened each other's tummies - tiffs and peepers. I said was this only when mommies put medicine on your peeper? Cause it was soft. She said no. She said it other times when it didn't need medicine. She again asked me if I would rub her peeper. I said I would rub her back and tummy not her peeper. She then said daddy let's me rub her peeper and she rub my peeper. That really got me up. So I kept it light as we watched the video and tried to question her more. I asked her where the tiffs were when this happened and she said all over. I asked her where it was and she said at work. I asked her how many times for 2 or 3. She said a whole bunch. She said daddy told her not to tell. I said then why

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C ④

are you telling me Kathryn. I
 said I wanted you to know I
 said are you going to tell your
 mommy. Kathryn and she said
 no. She would never do that.
 I asked her why she said
 Mommy would laugh at me.
 I asked her if she was going
 to tell anyone else. She said
 no. Ray came home from work
 and I didn't know what to do
 or say. I just never came up against
 anything like this before. I was
 scared for Kathryn. Ray, many
 things ran thru my mind what
 to do what to say or how to say
 it, but I just couldn't do or say
 anything. I talked with Kathryn
 more and the next day Ray
 left of work. I took the kids to
 the beach. While the boys were
 Kathryn laid on the blanket to
 keep warm and we talked some
 more. She said her same story
 about her mom and Karen and
 went into more detail about her
 dad and her and Big Matt.

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C B

She said Big Matt stuck his finger in his son's mouth. I asked her about another man, or woman she said no. Every time Big Matt came around she said shut up Matty Comping. She said you don't tell dad and I said Oh and don't you say anything. She said dad told me not to tell you and you tell me not to tell dad. I said that's a little different. She again asked me about why I wouldn't put her people. I said I'm not making her feel dirty so I changed the subject. She said I reacted you. I said Kathryn you put your hands on my face. You laughed it off and mom told you no. She said I know but I can't mom if I feel good. I said no and started questioning her again. She said dad would pay for his back and she would pay for his tummy. They started out with dad in his robe in shorts and her in his nightgown and pajamas. Then she said she took off her pants and slid

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①

daddy's clown and he put his
pee pee between her legs. I asked
her then what she said. He
tried to put it in her little hole,
but it was too big. I said did it
hurt and she said yes. I said
then what did you do. She said
it told daddy it was too big and
he said what can I say. I said girl.
She said I don't know. I said
then what she said he then kissed
her. Pee pee, and she kissed his

②

and tried to or did put it in her
mouth. I asked her if she ever
got sex and she said yes. And I
said from what she said from
rubbing it. I asked her if he
said nice things to her and she
said he kisses me and tells me he
loves me and tells me I have a
pretty bottom. I asked her if she
likes this and she says yes
and she loves her daddy. And does
he do this to me. I said that's
different Kathryn.

③

Kathryn, Kelly good about all
this. She liked it and wants if
more. She said she wants to know

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what it feels like to do more. I
 didn't know how to tell her that
 this wasn't right with out making
 her feel bad or dirty. I asked if
 her if she was telling me stories.
 she said no. I said you wouldn't
 tell me lies. she said no. You're not
 making it up. No. I asked her if
 she was afraid of me. she said yes.
 I said why. I never hurt anybody.
 you are now afraid of that. Well
 my mother & father would
 spank me and send me to my
 room. I said you know I wouldn't
 do that. she said I know. I
 said then is this all. she
 said yes. I then got batteries
 and called the Credit Union because
 I didn't know what else to do.
 I asked Grace if I should
 tape Kathryn. she said if I wouldn't
 do any good. it wouldn't hold
 up in court. so I didn't tape
 her. Ray then called and I
 told him. then he took it to
 Sac. Calif. Court.

Shirley J. Spencer